

NO. 47589-8-II

IN THE COURT OF APPEALS OF THE STATE OF WASHINGTON
DIVISION II

STATE OF WASHINGTON,

Respondent,

v.

DANIEL LEE ROUSE,

Appellant.

ON APPEAL FROM THE SUPERIOR COURT OF
KITSAP COUNTY, STATE OF WASHINGTON
Superior Court No. 14-1-01023-9

BRIEF OF RESPONDENT

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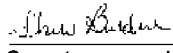
DATED March 29, 2016, Port Orchard, WA 
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TABLE OF AUTHORITIES

NO AUTHORITIES CITED; CONCESSION OF ERROR

I. COUNTERSTATEMENT OF THE ISSUES

Rouse was sentenced on an erroneous offender score.

(CONCESSION OF ERROR)

II. STATEMENT OF THE CASE

A. PROCEDURAL HISTORY

Daniel Lee Rouse was charged by information filed in Kitsap County Superior Court with felony violation of a court order with special allegation of domestic violence. CP 1. After trial, he was found guilty and an affirmative answer was given on the domestic violence special allegation. CP 61-62. Judgment and Sentence was entered on March 20, 2015. CP 146. That document recites that two violations of court orders, domestic violence, were scored with two points each. *Id.* The record reflects that these two cases were gross misdemeanor offenses.

FACTS

The state accepts Rouse's statement of facts for the purposes of this review only.

III. ARGUMENT

Rouse argues that the two gross misdemeanor convictions were erroneously scored with two points each. This claim is correct. The state concedes that each should have been scored as one point. This change lowers Rouse's points from eight to six with a resulting change in his standard range from 60 months to 41 to 54 months. The matter must be remanded for resentencing under the correct offender score and standard

range.

IV. CONCLUSION

For the foregoing reasons, Rouse's conviction should be affirmed but the matter should be remanded for resentencing with the correct offender points and standard range.

DATED March 29, 2016.

Respectfully submitted,

TINA R. ROBINSON
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A handwritten signature in black ink, appearing to read "John L. Cross", written over the printed name.

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KITSAP COUNTY PROSECUTOR

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Court of Appeals Case Number: 47589-8

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Statement of Additional Authorities

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Objection to Cost Bill

Affidavit

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